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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/943,685	08/30/2001	Terry Loughrin	6039-000293	1262

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EXAMINER

DUNWOODY, AARON M

ART UNIT PAPER NUMBER

3679

DATE MAILED: 03/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/943,685

Applicant(s)

LOUGHRIN ET AL.

Examiner

Aaron M Dunwoody

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4, 6-8, 10 and 11 is/are rejected.
- 7) ☒ Claim(s) 5 and 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 02 January 2003 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-4, 6-8, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by US patent 6283867, Aota et al.

In regards to claim 1, in figures 9-12, Aota et al discloses a drive shaft assembly for interconnecting a driving component of an agricultural machine and a driven component of an agricultural implement, comprising a first shaft⁽⁵⁶⁾; a second shaft⁽⁵⁷⁾ engaging the first shaft for enabling torque transmission and relative axial sliding motion therebetween; and a joint component⁽⁵⁵⁾ of a universal joint operably interconnecting one of the first and second shafts to one of the agricultural driving and driven components, the joint component is both rotatable through a specified range of rotation and is fixed from axial movement relative to one of the second shaft, the agricultural driving component of the agricultural machine and the agricultural driven component of the agricultural implement.

In regards to claim 2, in figures 9-12, Aota et al discloses the joint component including axial grooves and the second shaft includes an end portion having radially extending axial teeth for engaging the grooves and thereby enabling the specified range of relative rotation.

In regards to claim 3, in figures 9-12, Aota et al discloses the grooves being formed within a bore of the joint component and the teeth extend outward from the end portion, whereby the end portion is received into the bore for enabling engagement between the teeth and the grooves.

In regards to claim 4, in figures 9-12, Aota et al discloses the grooves being formed in an outer circumferential surface of the joint component and the teeth extend radially inward from the end portion, whereby the joint component is partially received into the end portion for enabling engagement between the teeth and the grooves.

In regards to claim 6, in figures 9-12, Aota et al discloses the joint component including axial grooves and one of the driving and driven components includes radially extending axial teeth for engaging the grooves and thereby enabling the specified range of relative rotation.

In regards to claim 7, in figures 9-12, Aota et al discloses the grooves being formed within a bore of the joint component and the teeth extend radially outward from one of the driven and driving components, whereby one of the driven and driving components is received into the bore for enabling engagement between the teeth and the grooves.

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In regards to claim 8, in figures 9-12, Aota et al discloses the grooves being formed along a stub end of the joint component and the teeth extend radially inward within a bore of one of the driven and driving components, whereby the stub end is partially received into the bore for enabling engagement between the teeth and the grooves.

In regards to claim 10, in figures 9-12, Aota et al discloses the joint component being a universal joint yoke.

In regards to claim 11, in figures 9-12, Aota et al discloses the second shaft including a stub end interconnected thereto for operably interconnecting the joint component and the second shaft.

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4, 6-8, 10 and 11 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 5672111, Schremmer et al.

In regards to claim 1, in figures 1-4, Schremmer et al discloses a drive shaft assembly for interconnecting a driving component of an agricultural machine and a driven component of an agricultural implement, comprising a first shaft; a second shaft¹⁰ engaging the first shaft for enabling torque transmission and relative axial sliding motion therebetween; and a joint component¹⁵ of a universal joint operably interconnecting one of the first and second shafts to one of the agricultural driving and driven components, the joint component is both rotatable through a specified range of rotation and is fixed from axial movement relative to one of the second shaft, the agricultural driving of the

agricultural machine component and the agricultural driven component of the agricultural implement.

In regards to claim 2, in figures 1-4, Schremmer et al discloses the joint component including axial grooves and the second shaft includes an end portion having radially extending axial teeth for engaging the grooves and thereby enabling the specified range of relative rotation.

In regards to claim 3, in figures 1-4, Schremmer et al discloses the grooves being formed within a bore of the joint component and the teeth extend outward from the end portion, whereby the end portion is received into the bore for enabling engagement between the teeth and the grooves.

In regards to claim 4, in figures 1-4, Schremmer et al discloses the grooves being formed in an outer circumferential surface of the joint component and the teeth extend radially inward from the end portion, whereby the joint component is partially received into the end portion for enabling engagement between the teeth and the grooves.

In regards to claim 6, in figures 1-4, Schremmer et al discloses the joint component including axial grooves and one of the driving and driven components includes radially extending axial teeth for engaging the grooves and thereby enabling the specified range of relative rotation.

In regards to claim 7, in figures 1-4, Schremmer et al discloses the grooves being formed within a bore of the joint component and the teeth extend radially outward from one of the driven and driving components, whereby one of the driven and driving

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components is received into the bore for enabling engagement between the teeth and the grooves.

In regards to claim 8, in figures 1-4, Schremmer et al discloses the grooves being formed along a stub end of the joint component and the teeth extend radially inward within a bore of one of the driven and driving components, whereby the stub end is partially received into the bore for enabling engagement between the teeth and the grooves.

In regards to claim 10, in figures 1-4, Schremmer et al discloses the joint component being a universal joint yoke.

In regards to claim 11, in figures 1-4, Schremmer et al discloses the second shaft including a stub end interconnected thereto for operably interconnecting the joint component and the second shaft.

Allowable Subject Matter

Claims 5 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

Applicant's arguments, filed 1/2/03, with respect to claim 1 have been fully considered and are not persuasive. The applicant argues:

The Aota reference neither discloses nor suggests the coupling of the Aola et al device with a tractor or an agricultural implement.

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The examiner disagrees. Claims in a pending application should be given their broadest reasonable interpretation. In re Pearson, 181 USPQ 641 (CCPA 1974). So, implement can be defined as a device used in the performance of a task. Since, steering columns are generally known to reside in agricultural equipment by those having and not having skill in the art, then an agricultural implement can be defined as an agricultural device used in the performance of a task, such as turning a tractor's steering wheel connected to a steering column. Therefore, the Aola et al device meets the limitations of claim 1 of the instant application.

Applicant's arguments appear more limiting than the claims themselves.

Applicant argues "free motion" but does not specifically claim free motion. It has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. Ex parte Masham, 2 USPQ2d 1647 (1987).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M Dunwoody whose telephone number is (703) 306-3436. The examiner can normally be reached on Monday - Friday between 7:30 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne H Browne can be reached on (703) 308-1159. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9302 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

.amd
March 7, 2003


ERIC K. NICHOLSON
PRIMARY EXAMINER